FIRST ANNUAL REPORT

OF THE

STATE BOARD OF CHIROPRACTIC EXAMINERS

For the Year 1923, and up to and Including November 30, 1924

HISTORICAL

The Chiropractic Initiative Act sprung directly from the people, adopted by a majority of 153,751 votes on November 7, 1922.

The authority, therefore, for the Chiropractic Act is in the constitution of our state. When the will of the people is thus expressed it must govern.

This statute gives the chiropractors the right of self-determination, that they might, under the direction of the state, properly regulate their profession, eliminate those who are unqualified, and thus safeguard the public from incompetency due to the lack of proper supervision.

On February 10, 1923, after careful consideration of numerous candidates, the Governor appointed the Chiropractic Board. Subsequently the Board held its first meeting in Sacramento on February 27 and 28. At this time Ray S. LaBarre, D.C., of San Francisco, was elected president, Albin Peterson, D.C., of Los Angeles, vice president and W. A. Messick, D.C., of Los Angeles, secretary. These officers, together with Joseph Edgerton, D.C., of Banning, and James Compton, D.C., of Oakland, constituted the Board.

Complying with the provisions of section 9, subdivision (*a*) of the Chiropractic Act, the Board, immediately after organizing, voted a license to each of the members thereof; the fees, as provided by law, having been paid to the secretary.

Section 1 of the Chiropractic Initiative defines the qualifications of the members of the Board first appointed. One of the requirements is as follows:

> "Each member of the Board first appointed hereunder shall have practiced chiropractic in the State of California for a period of three years next preceding the date upon which this act takes effect, thereafter appointees shall be licentiates hereunder."

On February 27, 1923, George D. Gillespie, of San Francisco, filed an application with the Honorable U. S. Webb, Attorney General of the State of California, for leave to commence an action in the name of the people against each member of the State Board of Chiropractic Examiners, upon the ground that none of them qualified for the position under the law, inasmuch as they had not been licensed to practice under the Medical Practice Act of California.

The members of the Board admitted that the three years of practice, in which they had been engaged preceding their appointment had not been under license, but contended that the "practice" referred to in the Chiropractic Act, meant actual, physical practice, and each and every member did actually practice chiropractic within the State of California for more than three years continuously next preceding the date upon which said act took effect, and for more than three years next immediately preceding the date of appointment.

Upon reading the complaint to be filed the Attorney General, on March 3, 1913, granted to George D. Gillespie, the complainant, leave to sue in the name of the people of the State of California.

The cause came on regularly for trial on the fourth day of June, 1923, in the city and county of San Francisco, before the court of Judge Walter Perry Johnson, sitting without a jury, a trial by jury having been waived by the respective parties.

U. S. Webb, Attorney General, Leon French, Deputy Attorney General, Glensor, Clewe and Van Dine, and Frank V. Kingston, Esq., appeared as attorneys for plaintiff, and for George D. Gillespie, the relator; and Raymond Benjamin, Esq., and William F. Rose, Esq., appearing as attorneys for defendants. A statement of facts was agreed upon orally in open court by the respective parties herein, and the court having heard the same and the arguments of the respective counsel, the cause was submitted to the court for consideration and decision; and after deliberation thereon, the court filed its findings and decision in writing and ordered that judgment be entered herein in favor of plaintiff, and ordered, adjudged and decreed that defendants Ray S. LaBarre, Albin Peterson, W. A. Messick, Joseph Edgerton, and James Compton had no right to offices as members of the State Board of Chiropractic Examiners of the State of California, and they were declared ousted on the seventeenth day of September, 1923.

Notice of appeal was filed on September 22, 1923, and in due time was brought up for consideration by the Supreme Court of the State of California. The brief of the appellants, represented at this time by Raymond Benjamin, Esq., William F. Rose, Esq., and Frank B. Austin, Esq., was filed in the above named court on December 12, 1923.

The brief for the respondent was filed December 19, 1923, and the appellants' reply brief was filed December 26, 1923. On March 18, 1924, the Supreme Court handed down a decision affirming the judgment of the trial court.

Although each member of the Board had actually practiced chiropractic for the required number of years as prescribed by the law, the courts held that the state could not take cognizance of illegal practice, since to do so would put a premium on law breaking.

The Board held three examinations: in Los Angeles on April 21st, Oakland on April 28th, and in San Francisco on July 16th. Two hundred and forty-seven chiropractors were successful in these examinations and were granted licenses. These, together with the five licenses issued to the members of the Board, made a total of two hundred fifty-two persons who received license certificates.

While the members of the Chiropractic Board were ousted from office because their three years of practice previous to appointment had not been under license, they were, nevertheless, de facto officers, having been in possession and control of this department of the state government, and having issued, during such possession, two hundred and fifty-two license certificates. The law, as has been quoted, specifically states that "thereafter appointees shall be licentiates hereunder," so on the tenth day of July the Governor appointed the second Board from those who had been benefited by such licensure, and immediately thereafter, the Board organized and assumed the task of bringing order out of the chaotic conditions that had previously existed.

APPLICATIONS

When the present Board assumed office there were on file 1528 applications for licensure. Of this number 1276 had never been acted upon, and these applicants, naturally, desired an opportunity to write the examination at the earliest possible date.

The applicants were divided into two general classes: those who had graduated from chiropractic institutions previous to January 1, 1922, and had made application within six months after the time the law took effect, presenting evidence of certain educational qualifications, were entitled to a practical and clinical examination in chiropractic philosophy and practice only; and those who graduated from chiropractic institutions teaching a course of at least 2400 hours, subsequent to January 1, 1922, or made application after the prescribed six months limit must write the regular examination in the ten different subjects as provided for in section 5 of the Chiropractic Act.

The Board assumed the position that those persons who had been practicing in the state previous to January 1, 1922, were entitled to the first consideration, rather than the more recent graduates, and immediately proceeded to carry out this plan.

EXAMINATIONS

Six examinations have been held by the present Board. The following table will show places and the number writing each examination:

Place and Date	Number	Character
San Francisco, September 12, 1924	198	Practical and clinical
Los Angeles, September 26, 1924	151	Practical and clinical
Los Angeles, September 27, 1924	140	Practical and clinical
San Francisco, October 24, 1924	80	Practical and clinical
Los Angeles, November 7, 1924	137	Practical and clinical
Los Angeles, November 8, 1924	141	Practical and clinical
Total number writing examinations	847	

NOTE.—Because of a "Writ of Prohibition" issued on the complaint of one Joseph A. Sanford, which is now pending in the superior court in the city and county of San Francisco, license certificates have not yet been granted to the candidates who were successful in the above examinations.

It is the intention of the Board of give all chiropractors who regularly apply for licensure an opportunity to write the examination at the earliest possible date.

Naturally it will require considerable time to clear the files, for in addition to the 1276 to be considered at the time of assuming office, there have been 272 applications received since that date, and applications are being filed at the average rate of 68 per month.

RECIPROCITY

The Board has been slow in establishing reciprocal relations with other states, because it seemed only just and proper that the chiropractors in California should be given consideration first. However, a reciprocal agreement with the state of Nevada has been established, and 17 reciprocity applications have been received. Nine of this number have been favorably considered and voted licenses.